

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claims 70, 75 and 77 have been amended in this paper. New claim 84 has been added in this paper. Therefore, claims 70, 74-80 and 82-84 are pending and are under active consideration.

Claims 70, 74-76 and 82-83 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Mello et al in view of Williams et al and Winstead (see abstract)."

Mello et al and Williams et al disclose the basic claimed method as already noted, the combination lacking the aspect of making at least one of the webs through continuous rotary extrusion molding. Note that Mello et al teaches a continuous vacuum or thermoforming for the webs but does not teach rotary extrusion molding. Newly applied Winstead (see the abstract, line 1) shows that "continuous thermoforming" to form containers and lids can also include rotary extrusion molding, and hence the latter would be considered to be an obvious way to thermoform a web material in a continuous manner. It would have been obvious to have modified the vacuum forming of the primary reference with a rotary extrusion molding as taught in Winstead dependent on the exact equipment available to perform the thermoforming. It also would have been obvious to have formed both the lids and the container bodies-ie, both webs- using a continuous rotary extrusion molding since such an operation would have been expected to be useful for making either container part. Ie, if one were to employ equipment to make one web, certainly it would have been obvious to use such equipment to make the other web.

Later in the Office Action, the Patent Office states the following:

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant submits that the references do not teach the instant rotary extrusion molding, nor would they render such obvious. However, newly found Winstead shows that rotary extrusion molding is a

common way to thermoform containers and the primary reference is directed to thermoforming webs for containers. Certainly, it would have been obvious to have substituted one form of thermoforming involving rotary extrusion molding (Winstead) for another using vacuum molding (Mello et al). Given that Williams et al basically teaches the equivalence of a lamination nip and a lamination press, it is respectfully submitted that one of ordinary skill in the art would not have had any trouble substituting one for the other, regardless of the relative flexibility of the webs being processed. Perhaps the lamination conditions would have to be adjusted somewhat, but this is within the skill level of the art and the process parameters would have been readily determined through routine experimentation.

Applicants respectfully traverse the subject rejection.

Claim 70, from which claims 74, 76 and 82-83 depend, has been amended herein and now recites “[a] method of forming a laminate structure, said method comprising the steps of:

- (a) providing a first web, said first web comprising a plurality of first elements, wherein said first elements of said first web are made of a rigid plastic;
- (b) providing a second web, said second web comprising a plurality of second elements, said second elements being alignable with said plurality of first elements, wherein said second elements of said second web are made of a rigid plastic and wherein at least one of said first web and said second web is made by continuous rotary extrusion molding, wherein said continuous rotary extrusion molding comprises continuously extruding molten plastic into a molding wheel;
- (c) passing said first web and said second web through a lamination nip to fixedly join said first elements and second elements, whereby a laminate structure is formed.”

Support for the present amendment may be found, for example, in the paragraph bridging pages 14 and 15 and on page 21, line 10, through page 22, line 9.

Claim 70 is not rendered obvious over Mello et al. in view of Williams et al. and Winstead for at least the reason that Mello et al., Williams et al., and Winstead, whether taken individually or in combination, do not teach or suggest a method of forming a laminate structure that comprises, amongst other things, providing a first web and a second web, the first web comprising a plurality of first elements made of a rigid plastic, the second web comprising a plurality of second elements made of a rigid plastic, wherein at least one of said first web and said second web is made by continuous rotary extrusion molding, **wherein said continuous rotary extrusion molding comprises continuously extruding molten plastic into a molding wheel**, and passing the first and second webs through a lamination nip to fixedly join the first and second elements.

Instead, Mello et al., Williams et al., and Winstead all involve **thermoforming**, not **continuous rotary extrusion molding**. Thermoforming involves deforming a **solid sheet or web of material** into a desired molded structure using a mandrel or the like whereas continuous rotary extrusion molding involves, amongst other things, extruding **molten** plastic into a molding wheel. To make this distinction more clear, Applicants have amended claim 70 to recite that continuous rotary extrusion molding comprises continuously extruding **molten** plastic into a molding wheel.

There is absolutely no teaching or suggestion in Mello et al. that containers 30 and/or lids 36 may be made by a process other than by thermoforming, and there is certainly no teaching or suggestion that containers 30 and/or lids 36 may be made by continuous rotary extrusion molding. Williams et al., which relates to a method of making flexible packaging, and Winstead, which relates to an apparatus for continuously thermoforming sheet material, do not teach or suggest continuous rotary extrusion molding and, therefore, fail to provide this missing teaching from Mello et al.

In addition, as Applicants have argued previously, Mello et al. fails to teach or to suggest the passage of the first and second webs through a lamination nip to fixedly join the first and second elements. The Patent Office is apparently contending that Williams et al. cures this deficiency as the Patent Office is alleging that Williams et al. teaches the equivalence of lamination nips and platens, regardless of the flexibility of the materials being joined. Applicants respectfully disagree. Williams et al. only teaches the equivalence of lamination nips and platens in connection with the manufacture of flexible packaging for non-solid materials. A person of ordinary skill in the art would not have given serious consideration to using the lamination nip of Williams et al. to join together the rigid elements of Mello et al. Applicants query how the rigid container 30 of Mello et al. would even pass through a lamination nip and, even if it could, why a person of ordinary skill in the art would have been motivated to do so.

Claim 75 is patentable over the applied references for at least the same reasons discussed above in connection with claim 70.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 77-80 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Mello et al in view of Williams et al and Winstead (see abstract) and further in view of Anderson, III et al generally for reasons of record as set forth in paragraph 1, supra and paragraph 2 of the last action.”

Applicants respectfully traverse the subject rejection. Claims 78-80 depend from claim 77. Claim 77 is patentable over Mello et al., Williams et al. and Winstead for at least the reasons given above. Anderson III et al. fails to cure all of the deficiencies of Mello et al., Williams et al. and Winstead with respect to claim 77. Therefore, claims 77-80 are patentable over the applied references.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

New claim 84 has been added in this paper. Claim 84 finds support in the present specification, for example, on page 18, second and third paragraphs. Claim 84 depends from claim 70 and is patentable based at least on its dependency from claim 70. In addition, claim 84 is further patentable because the applied references do not teach or suggest the first elements of the first web and the second elements of the second web being made of polypropylene. Instead, for example, Mello et al. teaches that its cover is made of a metallized film or foil, and Williams et al. teaches that its two webs are made of dissimilar materials.

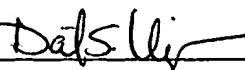
In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.


Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 8-30-10.


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